LEGISLATURE OF THE STATE OF IDAHO
Sixty-seventh Legislature Second Regular Session - 2024

IN THE SENATE

SENATE BILL NO. 1329

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PARENTAL RIGHTS; AMENDING CHAPTER 10, TITLE 32, IDAHO CODE, BY
THE ADDITION OF A NEW SECTION 32-1015, IDAHO CODE, TO ESTABLISH PROVI-
SIONS REGARDING PARENTAL RIGHTS IN MEDICAL DECISION-MAKING, TO DEFINE
TERMS, TO ESTABLISH PROVISIONS REGARDING PARENTS' RIGHT TO ACCESS
HEALTH INFORMATION, AND TO ESTABLISH PROVISIONS REGARDING A CAUSE OF
ACTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 10, Title 32, Idaho Code, be, and the same is
hereby amended by the addition thereto of a NEW SECTION, to be known and des-
ignated as Section 32-1015, Idaho Code, and to read as follows:

32-1015. PARENTAL RIGHTS IN MEDICAL DECISION-MAKING. (1) As used in
this section:
(a) "Governmental entity" means the state and its political subdivi-
sions.
(b) "Health care provider" means:
(i) A physician, health care practitioner, or other individ-
ual licensed, accredited, or certified to perform health care
services or provide counseling consistent with state law, or any
agent or third-party representative thereof; or
(ii) A health care facility or its agent.
(c) "Health care service" means a service for the diagnosis, screening,
examination, prevention, treatment, cure, care, or relief of any physi-
ical or mental health condition, illness, injury, defect, or disease.
(d) "Health information" means information or data, collected or
recorded in any form or medium, and personal facts of information about
events or relationships that relates to:
(i) The past, present, or future physical, mental, or behavioral
health or condition of an individual or member of the individual's
family;
(ii) The provision of health care services to an individual; or
(iii) Payment for the provision of health care services to an indi-
vidual.
(e) "Minor child" means an individual under eighteen (18) years of age
but does not include an individual who is an emancipated minor.
(f) "Parent" means a biological parent of a child, an adoptive parent
of a child, or an individual who has been granted exclusive right and au-
thority over the welfare of a child under state law.
(2) Parents have the fundamental right and duty to make decisions con-
cerning the furnishing of health care services to the minor child.
(3) Except as otherwise provided by court order, an individual shall
not furnish a health care service or solicit to furnish a health care service
to a minor child without obtaining the prior consent of the minor child's parent.

(4) Subsection (3) of this section shall not apply, and a health care provider may authorize or furnish a health care service without obtaining the informed consent of the minor child's parent, if:

(a) A parent of the minor child has given blanket consent authorizing the health care provider to furnish the health care service; or

(b) The health care provider reasonably determines that a medical emergency exists and:

(i) Furnishing the health care service is necessary in order to prevent death or imminent, irreparable physical injury to the minor child; or

(ii) After a reasonably diligent effort, the health care provider cannot locate or contact a parent of the minor child and the minor child's life or health would be seriously endangered by further delay in the furnishing of health care services.

(5) No health care provider or governmental entity shall deny a minor child's parent access to health information that is:

(a) In such health care provider's or governmental entity's control; and

(b) Requested by the minor child's parent.

(6) Subsection (5) of this section shall not apply if:

(a) Parent's access to the requested health information is prohibited by a court order; or

(b) The parent is a subject of an investigation related to a crime committed against the child, and a law enforcement officer requests that the information not be released to the parent.

(7) This section shall be construed in favor of a broad protection of parents' fundamental right to make decisions concerning the furnishing of health care services to minor children.

(8) This section does not make legal and in no way condones any abuse, abandonment, or neglect, including any act or omission described in section 16-1602, Idaho Code.

(9) This section does not make legal and in no way condones euthanasia, mercy killing, or assisted suicide, or permit an affirmative or deliberate act or omission to end life, including any act or omission described in section 18-4017, Idaho Code, other than to allow the natural process of dying.

(10) If a minor child does not have an affirmative right of access to a specific treatment, service, or procedure, this section shall not be construed to grant the parent a right to access such treatment, service, or procedure.

(11) This section shall not be construed to prohibit a court from issuing an order that is otherwise permitted by law.

(12)(a) Subject to the limitations of chapter 9, title 6, Idaho Code, any parent who is deprived of a right as a result of a violation of this section shall have a private right of action against the individual, health care provider, or governmental entity.

(b) A parent may raise this section as a defense in any judicial or administrative proceeding without regard to whether the proceeding is
brought by or in the name of the state, any private person, or any other party.

(c) A parent who successfully asserts a claim or defense under this section may recover declaratory relief, injunctive relief, compensatory damages, reasonable attorney's fees, and any other relief available under law.

(d) All civil actions shall be initiated within two (2) years after the harm occurred.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.